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REPORTS**

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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW PRESTON
SCHUBERT,

Defendant and Appellant.

B270765

(Los Angeles County
Super. Ct. No. 5PR07648)

APPEAL from an order of the Superior Court of Los Angeles County, Donald S. Kennedy, Commissioner.
Affirmed.

Matthew Preston Shubert, in pro. per.; and Will Tomlinson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A postrelease community supervision (PCS) revocation petition filed December 24, 2015, alleged that Matthew Preston Schubert (Shubert) had violated the terms and conditions of his PCS. On December 17, 2015, Schubert had been arrested for making criminal threats in violation of Penal Code section 422. Schubert had left 22 recorded messages on the complaint line of the Hollywood station of the Los Angeles Police Department (LAPD) since December 3, 2015. The messages contained threats toward the station and mentioned the blowing up of gas pumps at the station and the destruction of the building.

Schubert denied the allegations. At a contested hearing on February 16, 2016, Detective Roger Klohr testified that he interviewed Schubert on December 17 after listening to Schubert's recorded messages and giving Schubert warnings under *Miranda v. Arizona* (1966) 384 U.S. 436. Schubert admitted he left the messages. Detective Klohr considered the messages about the gas pumps to be threats, because the pumps were adjacent to the station, not fenced in, and not visible from the front entrance for civilians, so the pumps' connection to the police department would not be manifest to an outsider unless he had observed police cars gas up there. Schubert was arrested for the phone messages.

Schubert testified that he had called the complaint line to report harassment by an LAPD officer and had intended no harm.

The trial court found that Schubert made threats to the police department and so violated the terms and conditions of his PCS by failing to obey all laws. The court revoked Schubert's PCS and sentenced Schubert to 140 days in county jail with 124 days of credit. Schubert filed a timely appeal.

We appointed counsel to represent Schubert on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. On August 15, 2016, we advised Schubert he had 30 days within which to personally submit any contentions or issues he wished us to consider. Schubert submitted three supplemental letter briefs (we denied permission to file additional briefs).

Schubert argues that the testimony of Detective Klohr was not sufficient to support the trial court's order. We disagree. Detective Klohr's testimony, viewed in the light most favorable to the court's order, is substantial evidence to support the conclusion that Schubert made threats on the complaint line. Schubert also contends that insufficient evidence supported a conclusion that his statements were specific and immediate enough to constitute threats pursuant to Penal Code section 422, subdivision (a), because he was simply trying to make the LAPD aware of community

sentiment against the LAPD. Nothing in the record supports that contention.

We have examined the entire record, and we are satisfied that Schubert's counsel on appeal has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.